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Appl. No. 10/603,525
Proposed Amdt. dated January 5, 2005

REMARKS/ARGUMENTS

1. Interview with the Examiner.

In an interview with Examiner Palo on December 30, 2004, Examiner Palo indicated to Applicant's Representative (Kevin Erdman) that the claims of the present application presented double patent concerns relevant to the pending and allowed parent application Ser. No. 10/180,690. Applicant's Representative and Examiner Palo agreed that Applicant would submit a proposed amendment canceling all of the claims of the present application and presenting new claims that avoid the double patenting concerns.

2. Amendments to the Claims.

In accordance with the Examiner's suggestions, Applicant hereby presents a proposed amendment which cancels all of original claims 1-63 and requests entry of new claims 64-78. Claims 64-78 are drawn to a process for cultivating Morchella sclerotia, rather than Morchella ascocarp. Each of claims 64-78 require the step of harvesting the sclerotia by removing the sclerotia prior to the formation of an ascocarp. This step precludes inducing the formation of an ascocarp, which is required in the allowed claims of the parent application and, thus, the practice of the present invention would not conflict with the claims of the parent application. Accordingly, the newly presented claims do not present a double patenting issue. These new claims are fully supported in the present application in paragraph [0040].


CONCLUSION

Applicant respectfully request that the Examiner maintain the Notice of Allowance in the parent case and approve the proposed amendments made herein in the present application.

Applicant believes that no fees are due in connection with this submission, however, if any fees are necessary, please charge Deposit Account No. 02-0390, Baker & Daniels.

Respectfully Submitted,

By:


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